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**ANIMAL CARE & CONTROL ORDINANCE
TOWN OF EDGEWOOD, NEW MEXICO
ORDINANCE NO.: 2003-02
AMENDED NOVEMBER 3, 2004**

AN ORDINANCE ESTABLISHING REGULATIONS, REQUIREMENTS, AND PROCEDURES FOR THE CARE AND CONTROL OF ANIMALS IN THE TOWN OF EDGEWOOD, SANTA FE COUNTY, NEW MEXICO; AND PROVIDING FOR AMENDMENTS THERETO; AND PROVIDING FOR PENALTIES FOR ANY VIOLATION THEREOF.

WHEREAS: IT IS DEEMED NECESSARY TO HELP PROTECT PUBLIC HEALTH AND SAFETY; AND WHEREAS: IT IS DEEMED NECESSARY TO PROMOTE RESPONSIBLE OWNERSHIP OF ANIMALS; AND WHEREAS: IT IS DEEMED DESIRABLE TO PROMOTE A RURAL, ANIMAL FRIENDLY CHARACTER IN THE TOWN OF EDGEWOOD;

THEREFORE: BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD, NEW MEXICO THAT THE FOLLOWING REGULATIONS, REQUIREMENTS, AND PROCEDURES FOR THE CARE AND CONTROL OF ANIMALS BE HEREBY ADOPTED:

ARTICLE 1: GENERAL PROVISIONS

SECTION 1-1: TITLE

This Ordinance shall be known and may be cited as the "The Animal Care and Control Ordinance of the Town of Edgewood" and shall be referred to elsewhere herein as "this Ordinance".

SECTION 1-2: AUTHORITY

This Ordinance is created pursuant to the enabling authority set forth in Section 3-18-3; Chapter 77, Sections 28-11; and Section 30-18, NMSA, Annotated, 1978

SECTION 1-3: PURPOSE

It is the intent of the Council that enactment of this Ordinance will:

- 1) Protect residents from immediate threat to health or safety;
- 2) Regulate, restrain, and prohibit the running at large of any animal within the boundary of the municipality;
- 3) Provide for the impounding and disposition of animals found running at large;
- 4) Prohibit cruelty to animals; and
- 5) Promote a rural, and animal-friendly, character within the municipality.

SECTION 1-4: SEPARABILITY OF PROVISIONS

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council to enact each section, subsection, sentence, clause, or phrase of this Ordinance separately and independently of each other section, subsection, sentence, clause, or phrase.

SECTION 1-5: AMENDMENTS

The Council may amend or modify this Ordinance in accordance with State Statutes, and following a public hearing, due notice of which shall be given by the Town.

SECTION 1-6: PENALTIES

Any person who violates a provision of this article shall be deemed guilty of a petty misdemeanor, and upon conviction thereof, shall be subject to the penalty provisions set forth in this Ordinance. Each day this article is violated shall be considered a separate offense. Where the defendant has been convicted of a crime constituting a petty misdemeanor, the judge shall sentence the person to be imprisoned in the county jail for a definite term not to exceed ninety days or to the payment of a fine of not more than five hundred dollars (\$500) or to both such imprisonment and fine in the discretion of the judge. The court may exercise discretion to suspend a sentence in whole or in part and place the convicted person on probation for a term one (1) year, conditioned upon the satisfaction of lawful conditions

imposed by the court.

ARTICLE 2: DEFINITIONS

SECTION 2-1: WORD FORMS

Unless a contrary intention clearly appears, words used in the present tense include the future tense, and words used in the future tense include the present tense; the singular includes the plural, and the plural includes the singular; the word "may" is permissive, and the words "shall" and "will" are mandatory, subject to specific exceptions allowed by this Ordinance.

SECTION 2-2: DEFINITIONS

Abandon—to leave any animal unattended and with no provision of water, food, or shelter for more than twenty-four (24) hours.

ANIMAL: a vertebrate member of the animal kingdom other than humans.

Animal – dangerous

- 1) Any animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or animal when the person and the animal are off the property of the owner of the animal or;
- 2) An animal which, when unprovoked, injures a person or another animal but the injury does not result in muscle tears or disfiguring lacerations, or require multiple sutures, or corrective or cosmetic surgery; or
- 3) Any animal that, because of its poisonous bite or sting, would constitute a significant hazard to the public.

Animal-kennel A commercial establishment operating for intended profit where dogs or cats are boarded, kept, or maintained; or sold or bred for either resale to commercial outlets or for the purposes of research, testing or laboratory experimentation.

Animals on Unenclosed Premises an animal on its owner's property that is able to come and go at will without restraint to keep it on its owner's property.

Animal-service Any animal recognized as a qualified service animal pursuant to the Americans with Disabilities Act of 1990. For guidance, a qualified service animal is defined as, but not limited to:

- 1) A guide dog trained by a professionally recognized guide dog school to lead a totally or partially blind person; or
- 2) A hearing dog trained by a professionally recognized hearing dog school to aid a hearing impaired person; or
- 3) A service dog trained by a professionally recognized school to assist a mobility-impaired person; or
- 4) Any other animal, approved by the Vocational Rehabilitation Department of the Department of Public Education of the State as acceptable in public places, which is trained to provide special assistance to a mobility-impaired person.

Animal-shelter Any not-for-profit establishment:

- 1) Which is operated by a municipality, county, or other State-recognized animal humane organization for the care and control of animals; and
- 2) Where animals are not allowed to breed.

Animal-vicious Any animal that at any time and without provocation, attacks, bites, or injures any person or other domesticated animal who is peaceably conducting himself anywhere said other animal or person may lawfully be; and whose, attack, bite, or injury results in muscle tears or disfiguring lacerations requiring multiple sutures, corrective or cosmetic surgery.

Animal-wild

Wild animal means any animal found naturally in the wild state, whether indigenous to the State of New Mexico or not and whether raised in captivity or not. Such animals, though they may be trained and domesticated, remain a danger to others, and include:

- 1) Wolves, foxes, coyotes, dingoes, and other members of the non-domestic canine families.
- 2) Lions, pumas, panthers, mountain lions, wild cats, and other members of the non-domestic feline families.
- 3) All bears, including grizzly bears, black bears, brown bears etc.
- 4) Raccoons, including eastern raccoon, desert raccoon, ring- tailed cat, etc.
- 5) Primates, including all non-human great apes other than qualified service animals.
- 6) Skunks.
- 7) Bats.
- 8) Non-indigenous poisonous snakes.
- 9) Alligators, crocodiles, caimans, or poisonous lizards.
- 10) Venomous fish and piranha.

Animal Care & Control Department-The staff, premises, facilities, and programs provided by, or contracted-out by the Town for the implementation of this Ordinance.

Animal Control Officer-Any person designated as responsible and having authority within the Town to implement and enforce this Ordinance in conformance with provisions established herein.

Animal exhibit-Any traveling animal show, animal refuge, zoo, petting zoo, circus, animal ride, animal act, or any premises or activity operated for the purpose of showing any animal.

Bite-A puncture or tear of the skin inflicted by the teeth of an animal. A cat scratch resulting in a break of the skin is considered a bite.

Canine hybrid-Any canine which results from the breeding of a domestic dog (*canis domesticus*) with any other canine sub-species, including, but not limited to: wolf/dog hybrids, and coyote/dog hybrids.

Confinement-Restriction of an animal at all times by its owner within an escape-proof building or enclosure and away from other animals and persons.

Council-The governing body of the Town of Edgewood.

Enclosure/enclosed-A parcel of land, or any portion thereof, completely surrounded at its perimeter by a wall or fence of sufficient height and strength to contain the animal within.

Euthanasia-Humane death of an animal brought about by an authorized person by a method approved by the appropriate State agency, i.e.: without undue pain or suffering of the animal.

Guard dog-dog that is used to protect commercial property.

Guard dog site-premises utilizing a guard dog, and which has a current guard dog permit.

Household-The collection of individuals, related or not, who reside at one street address.

Hobby Breeder-A person involved in controlled breeding of dogs, cats, or ferrets that are registered with a nationally or internationally recognized animal registry organization. This breeder produces less than 5 litters annually.

Hobby Breeder Site-Any residence, building or other structure used in whole or in part for keeping, raising or breeding animals registered with a nationally or internationally recognized animal registry organization. The resultant offspring are not sold for resale to commercial outlets or for the purpose of research, testing, or laboratory experimentation.

Livestock-Animals typically used in the production of food, fiber, or other products or activities defined as agricultural. Livestock shall include, but not be limited to: horses, mules, cattle, llamas, pigs, sheep, goats, rabbits, fowl, ostriches, alpacas, emu, and mink.

Owner-A person eighteen (18) years of age or older, or the parent or guardian of a person under eighteen (18) years of age, or responsible person who owns, keeps, cares for, or harbors an animal, or who allows an animal to remain on or about his premises for more than 14-days.

Person-An individual, household, firm, partnership, corporation, company, society, association, or legal entity, and any officer, agent, or employee thereof.

Premises-parcel of land and the structures thereon.

Quarantine-The strict confinement and isolation of an animal in order to observe for and

control an infectious disease such as rabies as governed by State or Federal rules.

Running-at-large

- 1) Any animal free from its owner's restraint or control, and beyond the boundary of its owner's premises: a condition also known as being stray.
- 2) Being stray, or running-at-large shall not include:
 - a) A dog which is working at a specific job for which it has been trained; or
 - b) A dog performing in the capacities of hunting, tracking, obedience, agility, showing, or field trials.

State-The State of New Mexico, United States of America.

Stray-Any animal free from its owner's restraint or control, and beyond the boundary of its owner's premises: a condition also known as running-at-large.

Town-The Town of Edgewood, Santa Fe County, New Mexico.

Vaccination-Inoculation with an anti-rabies vaccine, which is given according to State law by a State licensed veterinarian.

Veterinarian-A person with an academic degree of Doctor of Veterinary Medicine or Veterinary Medical Doctor and who is licensed to practice said profession in the State.

ARTICLE 3: ADMINISTRATION

SECTION 3-1: RULES AND PROCEDURES

Reasonable rules and procedures may be prescribed as needed by the Mayor, or his delegate, in order to carry out the intent and purposes of this Section, and in accordance with the provisions of this Ordinance.

SECTION 3-2 PROCEDURES FOR COMPLAINTS

A person who has personal knowledge of such violation and who can identify the owner of the animal involved or the premises where the animal is located may file a complaint alleging any violation of this chapter with the animal control and protection department. The animal control officer may require the complainant to provide his name and address and swear to and affirm the complaint.

SECTION 3-3 PROCEDURES FOR ANIMAL CONTROL OFFICER

The animal control officer shall have the authority, and is directed to investigate upon probable cause, any alleged violation of this chapter.

- 1) Whenever the Animal Control Officer has probable cause to believe that a person has violated this ordinance, the Animal Control Officer may prepare a citation provided by the Town of Edgewood giving written notice to appear in court.
- 2) The citation shall contain:
 - a) The name, address and telephone number, if known, of the person violating this ordinance.
 - b) The driver's license number of such violator, if known.
 - c) The code section allegedly violated, and
 - d) The date and place when and where such person allegedly committed the violation,
 - e) The location where such person shall appear in court and the deadline for appearance.
 - f) The Animal Control Officer shall present the citation to the person he has probable cause to believe violated the code section in order to secure the alleged violator's written promise to appear in court by having the alleged violator sign at least one copy of the citation.
 - g) The Animal Control Officer shall deliver a copy of the citation to the person promising to appear.
- 3) If the alleged violator refused to or was unable to give his written promise to appear, or if the violator refused to respond to meet with the Animal Control Officer, the Animal Control Officer may prepare a written complaint (criminal summons) against the alleged violator and file the complaint with the Town of Edgewood Municipal Court.

SECTION 3-4: SCHEDULE OF FEES & OTHER ASSIGNABLE COSTS

A. PURPOSE

The purpose of this Schedule shall be to defray expenses related to enforcement of this Ordinance.

B. METHOD OF PAYMENT

Payment of any and all fees and other assignable costs shall be made to the Town of Edgewood, and become due immediately upon imposition.

C. ADOPTION BY RESOLUTION

This Schedule shall be as duly adopted or amended by Resolution of the Council.

D. SCHEDULE IS ATTACHED AS EXHIBIT "A"

SECTION 3-5: ANIMAL CONTROL OFFICER (S)

A. DEPUTIZED

Any Animal Control Officer, whether an employee of the Town of Edgewood or a contracted agent, shall be a deputy of the Town of Edgewood, and shall be responsible for the enforcement of the provisions of this Ordinance of The Town of Edgewood or New Mexico State Statutes as applicable.

B. IDENTIFICATION

Any Animal Control Officer shall wear a uniform and shall carry official identification. Official Identification shall be issued by the Town Clerk, and must be surrendered to the Town Clerk upon cessation of either employment or contract with the Town.

C. QUALIFICATIONS

Qualifications for employment as an Animal Control Officer of the Town shall be as duly adopted and approved by Resolution of the Council.

SECTION 3-6: AUTHORITY AND LIABILITY OF OFFICER(S)

A. IMPOUNDING OF ANIMALS

Any Animal Control Officer shall be authorized to impound:

- 1) Any animal determined to be running-at-large;
- 2) Any animal in plain view on its own private premises whose condition threatens imminent death or serious injury to the animal itself;
- 3) Any animal in plain view on its own private premises whose action(s) threatens imminent death or serious injury to any person or to another animal within the same premises;
- 4) Any animal ordered to be impounded by a court of competent jurisdiction.

B. ENTRY TO PRIVATE PREMISES

- 1) Any Animal Control Officer shall be authorized to enter upon any private premises as provided by law for the purpose of making inspections to determine compliance with this ordinance; impound animals as authorized by the Town of Edgewood. The animal control officer shall be allowed to examine all records pertinent to the origin and care of any animals located at, or emanating from, any permitted premises.
- 2) Except in cases of imminent danger to either the public or animal(s), as prescribed in this Ordinance, the animal control officer shall make a reasonable attempt to obtain the permission of the property owner/occupant.
- 3) In cases where entry is mandated by either court order or warrant, the order or warrant must be executed in the company of an authorized law enforcement officer of the Town, County, or State.

C. DEAD ANIMALS

- 1) In order to help safeguard the public safety and health, any Animal Control Officer shall be authorized to pick-up and dispose of any dead dog, cat, or unprotected animal lying in any public right-of-way, or in any private access easement which is dedicated for public use. Dead unprotected animals on private property may also be picked-up and disposed of upon request of the property Owner at the Town's expense. The Animal Control Officer shall make a reasonable attempt to notify the Owner of any dead dog or cat prior to disposal.
- 2) Except as noted above, disposal of any privately owned dog, cat, livestock, or other animal shall not be the responsibility of the Town, but of the Owner of any such animal (refer to Owner's Responsibilities). The Owner of any such animal may request pick-up and disposal of the animal by the Town. Performance of any such pick-up and

- disposal shall be at the discretion of the Animal Control Officer. The Owner shall be responsible to pay the full costs of any such pick-up and disposal.
- 3) Disposal shall be accomplished in such a manner as to minimize vermin infestation, odors, and disease.
 - 4) Potentially rabid animals shall be handled in a manner consistent with State law and the requirements of this Ordinance.

D. PERSONAL LIABILITY There shall be no personal liability on the part of any Animal Control Officer in the lawful execution of his/her assigned duties, except as provided by State or Federal Law.

E. AUTHORITY The officer may to move to dismiss any citations; criminal summons or fees provided the owner complies with the agreement with the officer as to the correction that addresses the problem.

SECTION 3-7: ANIMAL CARE & CONTROL FACILITIES

A. GENERAL The Town shall provide, or contract for, sufficient facilities for the purpose of humanely boarding and caring for animals impounded under the provisions of this Ordinance. Such a facility shall meet the requirements established in this Section.

B. ANIMAL HOUSING FACILITIES:

- 1) Animal housing facilities shall be structurally sound, constructed of non-toxic materials, and weatherproof. Interior floors shall be of smooth, easily cleanable construction, and impervious to water. The premises shall be kept clean, sanitary, and in good repair in order to protect animals from disease and/or injury.
- 2) Animal housing facilities shall be provided with proper ventilation, temperature control, shade, and lighting necessary for the health and safety of animals according to each species' needs.
- 3) Specific housing and other facility requirements will be established by Animal Control for different kinds of animals. The requirements will be made available, in writing and without charge upon request.
- 4) Provisions shall be made by a responsible person in charge of any impounded animal for the removal and proper disposal of any animal and/or food waste, soiled bedding, dead animals, and miscellaneous debris. Disposal shall be accomplished in such a manner as to minimize vermin infestation, odors, and disease.

SECTION 3-8: RECORD KEEPING

A. REQUIREMENT

Upon impounding or receiving any animal, the Animal Control Officer shall record data required by this Section into a registry to be kept for such a purpose.

B. DATA

Data required to be kept are:

- 1) The date, time, location, reason for impoundment, and manner of the animal's acquisition.
- 2) The species, breed, color, and sex of the animal.
- 3) The animal's name, and the owner's name, address, and phone number, if known.
- 4) Verification of notification to the known owner of animals impounded with identification.
- 5) The animal's Town license number if any, rabies tag number and microchip number, if available.
- 6) The date, time, and manner of the animal's disposition, as prescribed by this Ordinance
- 7) The name, address, and phone number of the person redeeming the animal, if applicable
- 8) Any and all fees and fines received.

C. OBSERVANCE OF ANIMALS

Each animal shall be observed at least twice daily by the authorized person in charge of its care.

D. DURATION

Recorded data required by this Ordinance shall be kept and maintained for not less than

three years.

SECTION 3-9: DISPOSITION OF IMPOUNDED ANIMALS

A. NOTICE

If the owner of an impounded animal is known, the Animal Control Officer shall make every effort to notify the owner immediately, and notice of the impoundment shall be posted in a conspicuous place at the office of the Animal Control Officer, and at the Town office. If the owner of the animal is not known, notice of the impoundment shall be posted in a conspicuous place at the office of the Animal Control Officer, and at the office of the Town Code Enforcer.

B. DURATION

- 1) All stray impounded animals without identification shall be held for a minimum of four (4) days and notice of impoundment posted.
- 2) All stray animals with identification shall be held a minimum of seven (7) days and notice of impoundment posted.
- 3) All owner-surrendered animals become the property of the Town of Edgewood on the same day.
- 4) All animals placed under protective custody shall be held a minimum of fifteen (15) days.

C. REDEMPTION / RECLAIMING BY OWNER LIMITED RIGHT:

Except for animals held on complaint, and in conformance with any and all other requirements of

this Ordinance, an owner or custodial person of any impounded animal shall have a limited right to redeem/reclaim the animal within the required holding period. The owner/custodial person shall sign a statement of ownership/responsibility.

D. PAYMENT OF FEES AND OTHER ASSIGNABLE COSTS:

In all cases, the limited right to redeem may only be exercised by the owner/custodial person upon payment to the Town of any license fees due, impounding fees, care and feeding charges, veterinary charges, and other costs incurred by the Town in the care and maintenance of said animal, or as designated in the Schedule of Fees and other Assignable Costs.

E. DOGS AND CATS:

In conformance with **Section 77-1-20 NMSA 1978**, and in addition to any other requirements of this Ordinance, for the redemption/reclaiming of any unsterilized dog or cat, the owner/custodial person shall:

- 1) Pay a sterilization deposit of not less than \$25.00 and sign an agreement to have the animal sterilized by the age of 6 (six) months or within 30 (thirty) days, whichever is longer; or
- 2) Obtain a, Intact permit, from the Town in conformance with the requirements of this Ordinance, if there are no prior impoundments for the animal being redeemed.

F. DISPOSITION OF STERILIZATION DEPOSIT:

Any required sterilization deposit shall be reimbursed to the owner only upon presentation by the owner of a valid receipt from a veterinarian proving that the animal was sterilized within the required time period.

G. ANIMALS HELD ON COURT ORDER

If a court order related to a violation of this Ordinance has been filed in a Court of competent jurisdiction for the Town against the owner of an animal impounded for said violation, the animal shall not be released except upon order of the Court. The Court may direct the animal's owner to pay any penalties or fines for violation of this Ordinance in addition to penalties resulting from all other charges.

H. NON-REDEEMED ANIMALS

Any animal not redeemed/reclaimed within the required holding period shall become the property

of the Town. Animals which have thereby become the property of the Town may be:

- 1) Placed for adoption in conformance with the requirements of this Section; or
- 2) Transferred to the ownership of any animal shelter; or certified rescue group, or euthanized in a humane manner.

I. ADOPTION

An impounded animal shall not be released for adoption:

- 1) Until the required holding period for redemption/reclaiming has passed; and
- 2) The animal has been deemed adoptable; and
- 3) Unless the prospective adopter has paid any required adoption fee to the Town as noted in the Schedule of Fees and other Assignable Costs.

J. ADOPTION/DOGS AND CATS

In conformance with **Section 77-1-20 NMSA 1978**, and in addition to any other requirements of this Ordinance, for the adoption of any un-sterilized dog or cat, the adopter shall pay a sterilization deposit of not less than \$25.00, and sign an agreement to have the animal sterilized by the age of 6 (six) months or within 30 (thirty) days, whichever is longer.

K. DISPOSITION OF STERILIZATION DEPOSIT

Any required sterilization deposit shall be reimbursed to the adopter only upon presentation by the adopter of a valid receipt from a veterinarian proving that the animal was sterilized within the required time period.

L. EUTHANASIA

Any impounded animal may be euthanized:

- 1) After the required holding period for redemption/reclaiming has passed; and
- 2) For humane reasons to prevent suffering.
- 3) In a humane manner by the Animal Control Officer, or by such other persons as may be contracted with by the Town to perform such euthanasia.

ARTICLE 4: OWNER'S DUTIES

SECTION 4-1: RABIES CONTROL

A. VACCINATION REQUIRED

Owners of all dogs, cats, and other such animals as may be required by the State shall have any such dog, cat, or other animal vaccinated against rabies by a veterinarian at the owner's expense. Rabies vaccinations shall be renewed according to State law.

B. VACCINATION TAG & CERTIFICATE

Owners of any animal vaccinated for rabies shall obtain from the veterinarian performing such procedure a unique-numbered vaccination certificate and tag. The certificate shall contain the name and address of the owner, a description of the animal, the type of vaccine used the date of vaccination, and the expiration date of immunity provided by the vaccination. The certificate shall be surrendered for verification or examination upon demand of the Animal Control Officer or any other person charged by the Town with enforcement of this Ordinance. The tag shall bear the certificate number and the year of vaccination, and shall be worn attached to a collar or harness at all times, exceptions being cats, working animals, show dogs, animals being kept in a veterinary hospital or others performing in agility, herding tracking, coursing or hunting capacity. Owners shall be responsible for replacing lost tags. Tags and certificates are non-transferable. Animals without valid and current tags and certificates shall be subject to fines as designated in the Schedule of Fees and other Assignable Costs.

C. SUSPECTED RABIES

Any veterinarian who makes a clinical diagnosis of rabies and any person who suspects rabies in either a domestic or wild animal, shall immediately report the same to the appropriate State health agency providing information about where and when such animal was seen and, if possible, where it may be found.

D. EXPOSURE TO RABIES/BITING

Any person with knowledge that an animal has bitten a person shall immediately report the incident to the Animal Control Officer and to the appropriate State health agency.

- 1) Any physician or other health care professional who treats a person for an animal bite shall report such treatment to the appropriate State health agency within twenty-four (24) hours of such treatment. The report must specify the name and home address of the person bitten, and the precise location of the bite on the person.

- 2) Any person with knowledge that an animal has bitten a person shall immediately report the incident to the Animal Control Officer and to the appropriate State health agency.

E. ANIMAL DESTRUCTION OR QUARANTINE

- 1) Any dog, cat, or other animal designated by the State as requiring rabies vaccination, and which has bitten or otherwise exposed a person to rabies shall be either: destroyed and its head sent to an appropriate laboratory for rabies testing; or quarantined by confining it immediately and observing it in confinement for a period of ten (10) days from the date of the bite, at the owner's expense at a place and in a manner designated by the Animal Control Officer and approved by the appropriate State health agency.
- 2) If the animal is proven to the Animal Control Officer to have a valid current vaccination for rabies, and if the area involved is not under a quarantine for rabies, then the Animal Control Officer may allow quarantine of the animal at the owner's home after its inspection and approval by the Officer for suitability as a location for quarantine. If the animal shows sign(s) of rabies during the required period of confinement and observation, then the animal shall be destroyed and its head sent to an appropriate laboratory for rabies testing.
- 3) No person may remove an animal from a required quarantine location, during the observation period without the written consent of the Animal Control Officer.

SECTION 4-2: LICENSING

An individual license shall be required for any dog or cat age 6 months or older residing within the Town of Edgewood. The license will be valid for 1 year. A current rabies vaccination shall also be required. Lifetime licenses will be available without cost to service animals.

SECTION 4-3: PERMITS

A. CONDITIONAL USE PERMIT

No person shall operate a kennel, grooming parlor, pet shop, refuge, shelter, guard dog site or hobby breeder site without a valid conditional use permit. A person may obtain a permit under the following conditions:

- 1) Payment of an annual permit fee at the Town Offices.
- 2) Application for a conditional use permit from The Planning & Zoning Commission.
- 3) Annual inspection by an animal control officer of the premises used for keeping animals.

B. GUARD DOG PERMIT

A guard dog permit shall be required for all guard dog sites.

C. INTACT ANIMAL PERMIT

The Intact animal permit is to keep your dog or cat exempt from being sterilized as mandated by State Law when released from an animal shelter. The animal must be registered with a nationally or internationally recognized animal registry organization. No person shall breed or allow to be bred a dog or cat for which an intact animal permit has been issued unless accompanied with a hobby breeder permit.

D. WILD ANIMAL PERMIT

A wild animal permit shall be required for all persons who own, harbor, or keep any wild animal, as defined in this Ordinance, or have a valid State or Federal permit for protected species.

E. PERMIT APPROVAL

Within 10 days of receipt of an application for a permit, the Planning & Zoning office shall review the application and the animal control officer shall inspect the premises to determine whether they comply with the standards established in this article. The applicant shall be notified in writing by the Planning Office of approval or denial of the permit application. The Planning office shall approve an application only if it is determined that:

- 1) The standards established by this article and other applicable laws and regulations have been met; and
- 2) The issuance of a permit will not result in activity which presents a danger to the public health, safety or welfare or a danger or nuisance to the neighborhood.

F. APPEALS

If any affected party wishes to appeal the Planning Office's decision regarding a permit application, the party may file an appeal with the Town Council. A written request for the appeal must be filed within five days of the Planning office decision.

G. PERMIT EXPIRATION; RENEWAL

No permit except a guard dog permit is transferable from one person or place to another person or place. A guard dog permit may be transferred to a new location operated by the same person during the permit year, provided that advance notice of at least five working days shall be given to the Planning office for each transfer of a guard dog permit. Permit transfers shall not be effective until the Planning office has inspected and approved the facilities at the new location and recorded the information required on the permit application.

H. A VALID PERMIT SHALL BE POSTED IN A CONSPICUOUS PLACE AT EACH PERMITTED PREMISES.

- 1) A permit holder shall notify the Planning office of any changes in operations which may affect the status of the permit and shall keep the Planning office informed of all changes in name, location, address, home and business telephone number, of the site and activities covered by the permit.
- 2) Both the person in charge of a permitted premises and the owner of the permitted premises shall be responsible for complying with this article.
- 3) At each permitted premises a current record shall be kept which describes all animals owned, purchased or received, and the final disposition of each animal.
- 4) Permits shall expire one year after the date of issuance of the permit. An application for renewal shall be filed at the Planning office 30 days before the date of expiration. Application and inspections procedures and fees for permit renewals shall be the same as those for new applications. Failure to renew permits as specified shall result in the expiration of the permit or in the assessment of a 5% late fee.

I. ACCESS TO PERMITTED PREMISES

Upon presentation of proper identification, and at any reasonable time, the animal control officer shall be allowed to enter any permitted premises for the purpose of making inspections to determine compliance with this article. The person in charge of the permitted premises shall be allowed to accompany this inspection. The animal control officer shall prepare a written inspection report which shall state whether or not the permitted premises is in compliance with or in violation of this article; If the premises is found not to be in compliance, the report shall specify the nature of the noncompliance. A copy of the inspection report shall be furnished to the person in charge.

J. LITTER FEE; DISPLAY OF HOBBY BREEDER PERMIT

The owner who intentionally breeds dogs or cats and does not have a current hobby breeder's permit shall pay a litter fee of \$25.00 for each litter. The \$25 fee may be refunded at the time proof of sterilization of the female animal is submitted and verified by the Animal Control Officer no later than two months from the time the female dog or cat delivers a litter. An owner shall not advertise sell, barter, exchange or give away any dog or cat within municipal boundaries unless the litter fee or hobby breeder permit number is displayed legibly. An owner shall furnish the litter fee or hobby breeder permit number to any prospective recipient requesting the number.

SECTION 4-4: LICENSE AND PERMIT FEES

- 1) The annual license fee for each unaltered dog or cat shall be \$10.00.
- 2) The annual license fee for a neutered or spayed dog or cat, and for each dog or cat for which neutering or spaying has been certified as a surgical risk, the annual license fee shall be \$5.00. Proof of qualification for the license can be made only with a written certificate from a licensed veterinarian certifying that the animal has been neutered or spayed or that sterilization would be a surgical risk for the animal, due to the animal's age or condition.
- 3) Replacement license tags shall be sold by the Center at a cost of \$2.00 each.
- 4) The fee for late license renewal shall be \$5.00.

SECTION 4-5: CARE AND MAINTENANCE

- 1) Any owner of an animal shall provide the animal with food, drink, shelter, area for

- exercise, ventilation, veterinary medical care, and basic cleaning and grooming necessary for the health and general welfare of the animal.
- 2) Outside housing shall protect animals from weather that may be detrimental to the health of the animals.
 - 3) Animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers shall be kept clean.
 - 4) Any owner of an animal shall provide the animal with access to shade not to be inclusive of shelter.
 - 5) No person shall leave an animal in an enclosed or upon a vehicle for a length of time which could result in danger to or death of the animal. If the Animal Control Officer determines that an animal in an enclosed vehicle is in immediate danger the Animal Control Officer may enter the vehicle by whatever means is necessary and legal, without being liable to the owner of the vehicle, and take the animal into protective custody.

SECTION 4-6: RESTRAINT OF ANIMALS

A. ANIMALS ON OWNER'S PROPERTY

Any animal on its owner's property shall be:

- 1) Kept on a chain or leash (a minimum of 12 feet in length) which does not allow the animal to move beyond the legal boundary of the property; or
- 2) Placed in a secure dog run or kennel; or
- 3) Kept within a secure enclosure, as defined in this Ordinance, surrounding the owner's premises or a portion thereof; or
- 4) Kept under the immediate physical control of a person capable of restraining the animal.
- 5) A buried electronic barrier/collar system may be used if the dog is properly trained.

B. ANIMALS OFF OWNER'S PROPERTY

- 1) Any animal off of its owner's property shall be kept on a leash at all times, or under the immediate physical control of a person capable of restraining the animal.
- 2) Animals in the back of any motor vehicle, truck bed or trailer unless such animal is confined and that no portion of the animal's head protrudes beyond the outer boundaries of the motor vehicle, truck bed or trailer.

C. RESTRAINT DEVICES

A rope, chain, or other device may be used to restrain an animal, provided the following criteria are met:

- 1) The device must be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness.
- 2) The device must be fastened so that the animal can sit, walk and lie down comfortably; and must be unobstructed by objects that may cause the device or animal to become entangled or strangled.
- 3) The animal must have easy access to adequate shade, shelter, food and potable water.
- 4) The area where the animal is confined must be kept free of garbage and other debris that might endanger the animal's health or safety. Feces will be cleaned up regularly, but no less frequently than once a week.
- 5) The area where the animal is confined must be kept free of insect infestation, such as ant hills, wasps' nests, flea, tick and maggot infestations.

D. CONFINEMENT DURING ESTRUS

Any unaltered female dog or unaltered female cat in the state of estrus (heat) shall be confined during such period of time in a house, building, or secure enclosure so that no unaltered male dog or unaltered male cat may come into contact with the confined animal(s) unless breeding is intentional and a Hobby Breeder permit has been purchased per Section 4-3C.

E. GUARD DOG (S)

- 1) The premises where a guard dog is housed or is on-duty shall be enclosed and secured to prevent escape of the guard dog and injury to the public.
- 2) Guard dog premises shall be posted with warning signs at least twelve (12) inches long on each side. The signs shall state: "Guard Dog" and "Guardia", and shall show a

picture of an aggressive dog. The warning signs shall be posted not more than two-hundred (200) feet apart on the exterior walls or fences surrounding the premises, and shall be posted at all exterior corners of the premises and at all entrances.

- 3) Vehicles used to transport any guard dog, and vehicles protected by any guard dog shall be secured to prevent escape of the animal and injury to the public. Any such vehicle shall be conspicuously posted with warning signs.

F. WILD ANIMAL (S)

Any wild animal, allowed as part of any animal exhibit, shall be kept within a secure enclosure, or so restrained by other means so as to prevent the animal from leaving the owner's premises or presenting a danger to the general public.

G. OWNER'S LIABILITY

Nothing in this Section shall be construed as allowing any animal under physical restraint to commit any act deemed unlawful in this Ordinance.

SECTION 4-7: LIVESTOCK

A. RESIDENTIAL AREAS

In order to promote a rural character within the municipality, livestock may be kept on any residential-zoned lot, so long as the keeping of any such livestock is in conformance with all Ordinances of the Town of Edgewood.

B. NON-RESIDENTIAL AREAS

Livestock may also be kept on any lot zoned other than residential, so long as any such use is in conformance with all Ordinances of the Town of Edgewood.

C. RESTRICTIVE COVENANTS

The provisions of this Ordinance are held to be minimum requirements to carry out the purpose of this Ordinance and are not intended to interfere with any other laws, covenants or ordinances. Whenever any provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances then the more restrictive shall govern.

SECTION 4-8: DEAD ANIMALS

A. GENERAL

Disposal of any privately owned dog, cat, livestock, or other animal shall not be the responsibility of the Town, but of the Owner of any such animal. The Owner of any such animal may request pick-up and disposal of the animal by the Town. Performance of any such pick-up and disposal shall be at the discretion of the Animal Control Officer.

B. COST

The Owner shall be responsible to pay the full costs of any such pick-up and disposal, either privately or by the Town.

C. RABID ANIMALS

Potentially rabid animals shall be handled in a manner consistent with State law and the requirements of this Ordinance.

ARTICLE 5: PROHIBITED ACTIVITIES

SECTION 5-1: DANGEROUS ANIMALS

No person shall keep or maintain a dangerous animal, as defined in this Ordinance, in any manner which constitutes a threat to a person or another animal.

SECTION 5-2: VICIOUS ANIMALS

No person shall keep or harbor a vicious animal as defined in this Ordinance. Such an animal shall be subject to immediate impoundment by the Animal Control Officer for euthanasia. At the discretion of the Animal Control Officer, the owner of the animal may be allowed to arrange for such euthanasia through a person or agency other than the Town, if proof of such euthanasia can be provided satisfactorily to the Animal Control Officer.

SECTION 5-3: WILD ANIMALS

A. No person shall keep or harbor on any private or public property within the municipal boundary of the Town of Edgewood any wild or exotic animal of a species that in its natural life is dangerous or ferocious or protected by State or Federal Law, unless the person holds a valid Town business license for an animal exhibit or a wild animal permit, as defined in this Ordinance, or has a valid State or Federal permit for protected species.

B. Any person who lawfully holds or keeps a wild or exotic animal as defined by this

ordinance prior to the effective date of this ordinance may maintain that individual animal until its death under the following conditions:

- 1) Submission of an application for a wild animal permit within 60 days of the effective date of this ordinance and payment of the annual permit fee.
- 2) Provision of adequate facilities to prevent the animal from escaping, injuring the public, or creating a public nuisance.
- 3) Compliance with all applicable requirements set forth in this chapter.
- 4) No additional wild or exotic animals may be added to the premises by acquisition or breeding as of the effective date of this chapter.

C. This section shall not apply to municipal zoos and aquarium facilities, veterinary facilities, or individuals holding a State of New Mexico Wildlife Rehabilitation or Educational Use Permit.

SECTION 5-4: CANINE HYBRIDS

No person shall own, harbor, keep, sell, offer for sale, or freely give any canine hybrid, as defined in this Ordinance, within the municipal boundary of the Town. Canine hybrids which are in residence in Edgewood before the adoption of this ordinance may continue their residence subject to appropriate confinement requirements, but may not be replaced once they are sold or moved to a different location. Any resident hybrid must be spayed or neutered.

The containment facility used for housing of canine hybrids shall be open to annual inspection by an animal control officer.

- 1) Submission of an application for a wild animal permit within 60 days of the effective date of this ordinance and payment of the annual permit fee.
- 2) Provision of adequate facilities to prevent the animal from escaping, injuring the public, or creating a public nuisance.
- 3) Compliance with all applicable requirements set forth in this chapter.
- 4) No additional wild or exotic animals may be added to the premises by acquisition or breeding as of the effective date of this chapter.

SECTION 5-5: CRUELTY TO ANIMALS

No person shall intentionally kill, injure, mistreat, mutilate, or otherwise cruelly set upon, or cruelly drive or work any animal; except that reasonable force may be employed to drive off or stop any vicious or trespassing animal or vermin.

SECTION 5-6: ILLEGAL POSSESSION

No person, other than an Animal Control Officer, shall retain possession of any animal, which is not his property without the consent of the animal's owner, if there is evidence of ownership or for more than twenty-four (24) hours without reporting the possession of such animal to an Animal Control Officer. Such a person shall provide his name, address, and telephone number if available, location of the animal, and a true and complete statement of the circumstances under which the animal came into his possession.

SECTION 5-7: ABANDONMENT

No person shall willfully or maliciously abandon any animal within the Town.

SECTION 5-8: UNCARED FOR ANIMALS, PROTECTIVE CUSTODY

Whenever the Animal Control Officer finds that an animal is or will be without proper care because of injury, illness, incarceration or absence of the owner of such animal, the animal control officer may take up such animal for protective care for a period not to exceed 15 days using the legal means reasonably necessary under the circumstances. While the animal is in protective custody, and upon the advice of a licensed veterinarian, the Animal Control Officer may take any action necessary and legal to prevent undue pain and suffering to the animal, including the humane destruction of the animal. At the expiration of the period of protective custody, and following mailing or other delivery of written notice to the owner, the animal shall be deemed to be the property of the town, and the Animal Control may place the animal for adoption, or otherwise dispose of it in accordance with the provisions of this article.

SECTION 5-9: RUNNING-AT-LARGE

No owner of any animal shall cause or allow the animal to run-at large, as defined in this Ordinance

SECTION 5-10: NUISANCES

A. DISTURBING THE PEACE

No owner of an animal shall allow the animal to persistently bark, howl, make other noise, and be kept or maintained in such a manner as to disturb the general peace and quiet, or to otherwise endanger the general health and welfare of other persons in the Town.

B. DEFECATION/URINATION

No owner of any animal shall allow the feces or urine of the animal to accumulate on his, or another's, property so as to become a public nuisance and/or a danger to public health or welfare.

SECTION 5-11: ANIMAL FIGHTING

No person shall promote, stage, hold, manage, conduct, carry on, train for or attend a game, exhibition, contest or fight in which one or more animals are injuring, killing, maiming or destroying themselves or another animal.

SECTION 5-12: POISONING

A. GENERAL

No person shall make accessible to any protected animal, with the intent to cause harm or death, any substance which contains, has been treated with, or has been prepared with a harmful poisonous substance. Such poisoning shall constitute extreme cruelty to an animal.

B. EXCEPTION

This Section does not apply to the placement of such substances in order to control vermin, i.e. rats, mice, moles\gophers, which are a threat to neither public health, nor does it apply to the use of substances for the humane destruction of animals in accordance with the provisions of this Ordinance.

SECTION 5-13: SALE AND DISPLAY OF ANIMALS

A. ANIMAL EXHIBITS

No person shall operate, conduct, or maintain any permanent or temporary animal exhibit, as defined in this Ordinance, except in conformance with any and all governing State and Federal regulations, and without first having obtained a valid Town business license.

B. TURTLES

No person shall display, sell, offer for sale, barter, auction, give away, or otherwise dispose of any turtle except in conformance with appropriate State and Federal regulations.

SECTION 5-14: INTERFERENCE WITH SERVICE ANIMAL

Public Access. Notwithstanding any other provision of law, no qualified service animal shall be denied admittance to any building, facility, or accommodation open to the general public, including, but not limited to, restaurants, hotels, motels, hospitals, clinics, swimming pools, stores, common carriers, and theaters provided that the qualified service animal is under the immediate control of a person who is sight impaired, hearing impaired, or mobility impaired.

A. INTERFERENCE

No person shall:

- 1) Intentionally or negligently interfere, by means of harassment or obstruction, with the use of a qualified service animal; or
- 2) Intentionally or negligently allow an animal he owns or is under his control, to interfere, by means of harassment or obstruction, with the use of a qualified service animal.

B. PRIVATE PROPERTY

The provisions of this Section shall not apply to animals on private property, which is not open to the general public.

SECTION 5-15: INTERFERENCE WITH OFFICIAL DUTIES

A. TAMPERING WITH TRAPS AND EQUIPMENT

No person shall remove, alter, damage or otherwise tamper with a trap or equipment belonging to/set out by the Animal Control Division.

No person shall threaten, hinder, or interfere in any manner with the Animal Control Officer in

the performance of any duties prescribed by this Ordinance.

SECTION 5-16: POSSESSION OF FALSE OR STOLEN DOCUMENTS

No person shall transfer any rabies tag, or license if required, from one animal to another; nor possess, manufacture, or use any stolen, counterfeit, or forged license, certificate, or tag.

SECTION 5-16 UNENCLOSED PREMISES

No person shall allow an animal on any unenclosed premises so that the animal may physically leave the owner's property.

ARTICLE 6: ADOPTION OF ORDINANCE

SECTION 6-1: EFFECTIVE DATE

This ordinance shall be in full force and effect five (5) days after its publication as provided by State law.

SECTION 6-2: ATTESTATION

PASSED, APPROVED, and ADOPTED this ____ day of 2004.

Robert R. Stearley, Mayor

ATTEST: _____
Karen Alarid, Clerk-Treasurer

Approved as to form: _____
David E. Henderson

**TOWN OF EDGEWOOD
Resolution No. 2004-19B**

A RESOLUTION

**ESTABLISHING A SCHEDULE OF FEES AND OTHER ASSIGNABLE COSTS
RELATED TO THE CARE AND CONTROL OF ANIMALS WITHIN THE
TOWN OF EDGEWOOD, SANTA FE COUNTY.**

WHEREAS: the Governing Body of the Town of Edgewood has duly passed and adopted an Animal Care and Control Ordinance for the Town of Edgewood; and

WHEREAS: the governing Body of the Town of Edgewood deems it necessary and proper to establish a Schedule of Fees and other Assignable Costs in order to help achieve the requirements and purposes of said Ordinance;

**THEREFORE: BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN
OF EDGEWOOD that:**

The Town of Edgewood hereby establishes a Schedule of Fees and other Assignable Costs related to the Care and Control of Animals within the Municipal boundary of the Town of Edgewood, which Schedule is attached hereto as:

“Exhibit 'A'”

PASSED, APPROVED, and ADOPTED by the Town Council, the governing body of Edgewood, at its regular meeting of November 3, 2004

EXHIBIT "A"
FEE SCHEDULE

A. LICENSING

- a)** Unaltered Male/Female \$10.00
- b)** Altered Male/Female 5.00
- c)** Replacement of tags 5.00

B. IMPOUNDMENT FEES

1. DOGS

- a)** Per offense \$15.00 1st offense
- b)** 2nd offense within calendar year \$25.00
- c)** 3rd offense in calendar year \$35.00
- d)** Any additional offenses within the calendar year will be increased by \$10.00
- e)** Boarding cost (per day) to be determined by Animal Shelter

2. CATS

- a)** Per Offense \$10.00 1st offense \$15.00
- b)** 2nd offense within calendar year \$25.00
- c)** 3rd offense within calendar year \$35.00
- d)** Any additional offenses within the calendar year will be increased by \$10.00
- e)** Boarding cost (per day) to be determined by Animal Shelter

3. LIVESTOCK

- a)** Boarding cost (per day) to be determined by Animal Shelter

BIRDS: Boarding cost (per day) to be determined by Animal Shelter

REPTILES: Boarding cost (per day) to be determined by Animal Shelter

C. PERMIT FEES

- | | |
|----------------------------------|----------------|
| 1. CONDITIONAL USE PERMIT | \$50.00 |
| 2. GUARD DOG PERMIT | \$50.00 |
| 3. HOBBY BREEDER PERMIT | \$50.00 |
| 4. LITTER FEE | \$25.00 |
| 5. INTACT PERMIT | \$50.00 |
| 6. WILD ANIMAL PERMIT | \$50.00 |

D. STERILIZATION DEPOSIT \$ 25.00

E. FINES FOR VIOLATIONS

Any person who violates a provision of this article shall be deemed guilty of a petty misdemeanor, and upon conviction thereof, shall be subject to the penalty provisions set forth in this Ordinance. Each day this article is violated shall be considered a separate offense. Where the defendant has been convicted of a crime constituting a petty misdemeanor, the judge shall sentence the person to be imprisoned in the county jail for a definite term not to exceed six months or to the payment of a fine of not more than five hundred dollars (\$500) or to both such imprisonment and fine in the discretion of the judge.